

22 May 1951

OGC REVIEW
COMPLETED

MEMORANDUM FOR: Assistant Chief, Personnel Division (C)

SUBJECT : Dual Compensation - Retired Enlisted
Military Personnel

1. Reference is made to your memorandum of May 5, concerning the applicability of dual compensation laws to retired enlisted men.
2. Retired enlisted men are expressly exempt from the following statutes:
 - a. The act of July 31, 1894, as amended (5 USCA 62), which provides that no person who holds an office (with an annual salary of \$2500) shall be appointed to another office.
 - b. The Dual Compensation Act of May 10, 1916, as amended (5 USCA 58 and 59), which provides that no money shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds \$2000 per annum.
3. Retired enlisted men are impliedly exempt from the following statute:
 - a. Section 212 (a) of the Economy Act of June 30, 1932 (5 USCA 59a), which restricts the compensation of those retired officers legally appointed to positions with the U. S. Government.
4. There are numerous other laws concerning the general subject of dual compensation, but the above appear most responsive to your problem.
5. In summary, the following general statements are submitted:
 - a. Retired enlisted men may be appointed to civilian positions with the U. S. Government.
 - b. Such retired enlisted men may receive the compensation applicable to their civilian employment with the U. S. Government, and may continue to receive the retired pay of their enlisted grades.

STATINTL

cc: Subject
Chrono

STATINTL

Based on 25 Comp. Gen. 530

Office of the General Counsel